

## Online Filing of “Behested Payments”

### Bill Proposal:

Require online filing of payments that are not contributions but are made at the behest of a candidate who is an elected officer and are made principally for legislative, governmental, or charitable purposes.

### Problem:

Government Code section 82015 establishes reporting requirements for payments that are not contributions but are made principally for legislative, governmental, or charitable purposes at the behest of a candidate who is an elected officer. These payments are commonly called “behested payments” and must be reported when one or more payments from a source reaches or exceeds \$5,000 in a calendar year. Current law requires the elected officer to report these payments with the elected officer’s agency within 30 days following the date of the payment or within 30 days following the date that the aggregated amount of payments reaches the \$5,000 threshold. These reports are then available to the public as a public record subject to the inspection and copying provisions of section 81008. State agencies must forward these reports on to the Commission within 30 days after receiving the report, and local agencies are required to forward the reports to the elected officer’s campaign statement filing officer.

In practice, access to behested payments reports is more limited than access to campaign reports. The Commission has made these reports accessible in hard copy form at its offices in Sacramento, and it has recently begun to post information about these reports on its website. However, this does not compare to the ease of filing and the availability of information about a candidate’s campaign activities. Because payments made at the behest of an elected officer have the potential to benefit his or her candidacy or influence his or her decisions, information about these payments should be more consistent with the accessibility of campaign statements.

This proposal would simplify the filing process for these reports and increase the public’s access to information about the flow of money at the behest of an elected officer.

### Proposed Solution:

Require online filing of a state elected officer’s behested payments in the same manner that campaign reports are filed online with the Secretary of State.

### Suggested Language:

#### **§82015. Contribution.**

*[All subdivisions of section 82015 are omitted here, except subdivision (b)(2)(B)(iii) which would read as follows:]*

(b)(2)(B)(iii) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer shall file the report with the elected officer’s agency, and the report shall be a public record subject to

inspection and copying pursuant to ~~the provisions of~~ subdivision (a) of Section 81008. An elected state officer shall also contemporaneously file the report online or electronically with the Secretary of State if he or she files campaign reports pursuant to Section 84605. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five thousand dollars (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the Fair Political Practices Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.